

John E. Wright

To:

87-7-9

As we think through the situation with
MMFs, I commend to you the attached
article on asbestos. It is a clear,
concise review that should help us to
avoid repeating errors of omission
and commission that continue to be
troublesome.

John

Attachment

Same note to:

H. D. Belk - 6
C. F. DiMascio - 6
R. W. Porter - 14
L. F. Schneider - 13
N. B. Sussman - 6
E. S. Thomas - 16

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SAMUEL C. FLORMAN

Asbestos: Hindsight Is 20/20

ASBESTOS is very much in the news these days and giving everyone in the technological community a lot to think about. The mineral is recognized to be extremely carcinogenic, and exposure to it is stringently limited by federal regulations. Congress has authorized the Environmental Protection Agency (EPA) to distribute \$47.5 million dollars to school districts for a massive cleanup this summer. States and municipalities are also mandating the removal or abatement of asbestos; more than 700,000 public and commercial buildings in the United States have so far been found to contain potentially dangerous quantities of the material, mostly in the form of insulation.

Government officials are also regulating the way asbestos is removed. In June, for example, New York State instituted regulations to control asbestos-contractor licensing, worker certification, and work-site procedures. San Francisco is considering an ordinance that would require building owners to have asbestos inspections even where no alteration or demolition is planned. Similar actions are being contemplated across the nation.

The National Institute of Building Sciences has published comprehensive specifications for abating asbestos in buildings. The National Asbestos Training Center at the University of Kansas has developed mobile facilities to train companies on how to control and remove asbestos. Taking note of the burgeoning activity in this field, *Engineering Times*, the publication of the National Society of Professional Engineers, has run an article under the headline "Opportunities in Asbestos."

The idea that the asbestos crisis represents an "opportunity" for engineers is bitterly ironic, for if engineers had not elected to use asbestos in the first place, humankind would have been spared much suffering. When Manville Corp., the world's largest asbestos producer, declared bankruptcy in 1982 it was facing nearly 17,000 lawsuits from workers who were victims of asbestos-related diseases. The number of premature cancer deaths from inhalation of the pernicious fibers is



*The asbestos
tragedy is not solely the
fault of "evil" executives;
society's expectations
have changed.*

estimated at 9,000 a year and rising. As for "opportunities," the asbestos tragedy has created plenty of these for all sorts of people—particularly lawyers, judges, and politicians—as society tries to apportion responsibility and compensate victims.

In addition to coping with the present, we must not ignore lessons from the past. That we have learned some of those lessons is evident in the attention now being paid to fiberglass and other manufactured mineral fibers long deemed relatively safe substitutes for asbestos. Recent studies suggest that these synthetic fibers, already in wide use in insulation, cars, furniture, and building materials, may pose a health threat to workers who make them. These studies are inconclusive, so manufacturers of the synthetic fibers are undertaking costly new tests on their health effects.

In learning from the past, however, we should be careful not to draw the wrong conclusions. I fear this is being done by those who view the actions of people involved in the asbestos story in terms of good and evil. Admittedly, as far back as the 1930s, some researchers and industrialists were aware of the health hazards to



SAMUEL C. FLORMAN, A CIVIL ENGINEER, IS THE AUTHOR OF *ENGINEERING AND THE LIBERAL ARTS, THE EXISTENTIAL PLEASURES OF ENGINEERING, BLAMING TECHNOLOGY, AND THE CIVILIZED ENGINEER.*

which asbestos workers were exposed. In light of such knowledge, lawyers have convinced juries that failure to take appropriate steps to protect the workers constituted "outrageous and willful misconduct."

Paul Brodeur has chronicled that story in his book, *Outrageous Misconduct*. But Brodeur's angry denunciation of corporate America contains evidence that mitigates against his presumption of wickedness. For example, he quotes a high-ranking industry executive (who was himself to die from asbestos-induced mesothelioma): "I realized that precautions needed to be taken in the handling of this material. I realize now I was in error about the extent of precautions which needed to be taken."

An even more telling argument against the "misconduct" theory is to be found in Brodeur's description of a symposium held at Saranac Laboratory in 1952. This event brought together more than 200 leading doctors, research scientists, academics, lawyers, public-health officials, insurance executives, and journalists, as well as people from the asbestos industry. Ample evidence was presented linking asbestos to cancer. Yet more than a quarter-century was to pass before society came to grips with the problem in a definitive way. Clearly an inertia prevailed that was rooted in something other than evil intent. Nor is it rational to condemn, as does Brodeur, "a huge cross-section of the institutions that make up the private-enterprise system." That cross-section, incidentally, includes trade unions. I infer from Brodeur's accusations that one might expect socialist nations to be more prescient and caring about public safety than capitalist countries. Yet we know they were not.

Redirecting Our Moral Outrage

The plain fact is that our communal view of the world changes from time to time—not only concerning religion, sex, civil rights, and women's rights, but also about environmental pollution and worker safety. When I first entered the construction industry, work sites were dirtier, noisier, and very much more dangerous than they are today. One heard it said that for every million dollars spent there would be a worker's life lost—a rule of thumb that speaks volumes about the ethos of the times.

Thirty or even twenty years ago, people expected less protection than we expect

today—from injury, sickness, and poverty. At that time, a certain callousness prevailed that today we would find shocking. But dare we conclude that this made people of that era—even the leaders among them—morally inferior? Such hindsight would lead us to despise Thomas Jefferson for tolerating slavery, indeed to despise all people who accommodated themselves in earlier times to public executions and the exploitation of child labor.

If we have gradually developed higher standards for public health and worker safety, this is largely because we can now afford them. Paradoxically, the wealth that allows us to be more caring and sensitive—as well as the new knowledge that enables us to reduce risks—comes from the very technological development that it pleases so many second-guessers to view with contempt.

The compelling need now is to cope effectively with the dangers at hand and to compensate, humanely and rationally, those people who suffer from past mistakes. Under the aegis of the courts, Manville Corp. has agreed to establish an Asbestos Health Trust that would make available more than \$2.5 billion over the next 25 years for settling injury and property-damage claims. The trust funds would come mainly from insurance proceeds, 50 percent of Manville's common stock, and a specified portion of future corporate profits.

Application of this plan, however, has been stalled because supporters of the tort process have filed legal appeals against it. Prominent among this group, of course, are lawyers who specialize in negligence cases. Without wishing to minimize the good qualities of our litigation system, I must agree with those who feel that at this stage in the asbestos tragedy, an equitable alternative to thousands of more costly, repetitive, and often erratic jury trials must be pursued. The proposed Manville settlement, which offers arbitration on appeal, appears to be such an alternative.

In addition to demanding that we create a system for fairly compensating victims, the asbestos fiasco challenges us to develop materials and methods that will safely and efficiently do what asbestos used to. Since insulation is a key element in energy conservation, it should exert a compelling claim on our attention. As for moral outrage, let us direct it against the inequities of our own time, of which there is no shortage, instead of against the sins and foibles of our forebears. □

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MEETING NOTICE

Date: FRIDAY, JULY 24, 1987

Time: 9:00 - 10:00

Location: ROOM 636, ALCOA BUILDING

Subject: OCCUPATIONAL HEALTH NEWSLETTER

Attendees:	H. D. BELK, M.D.	- 6 AB
	C. F. DiMASCIO	- 6 AB
	R. W. PORTER	- 14 AB
	L. F. SCHNEIDER	- 13 AB
	N. B. SUSSMAN	- 6 AB
	E. S. THOMAS	- 16 AB
	J. E. WRIGHT	- 16 AB

Arranged By: Beverly Lewis, ext. 3570

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JUL 16 1987

425107 0004

Meeting Notice

Date: WEDNESDAY, JULY 15, 1987

Time: 9:00 - 10:00

Location: ROOM 636, ALCOA BUILDING

Subject: OCCUPATIONAL HEALTH NEWSLETTER

Attendees: H. DEAN BELK, M.D., PITTSBURGH 6
C. F. DIMASCIO, PITTSBURGH 6
R. W. PORTER, PITTSBURGH 14
L. F. SCHNEIDER, PITTSBURGH 13
N. B. SUSSMAN, PITTSBURGH 6
E. S. THOMAS, PITTSBURGH 16
J. E. WRIGHT, PITTSBURGH 16

Arranged By: BEV LEWIS, EXT. 3570

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